

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: March 3, 2015
SUBJECT: BZA Case 18940: 1371-1375 H Street NE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of:

- **Area Variance relief** pursuant to § 3103.2:
 - § 2101.1 Parking (14 parking spaces required, 0 spaces proposed);

subject to the transportation demand management (TDM) measures included in the applicant's submission and referenced in the attachment to this report.

The original application also included a request for **special exception relief** pursuant to §§3104 and §§ 770.6 and 411 to allow a roof structure not meeting the required one to one setback from the roof's edge at the rear. However, the plan was subsequently modified to remove the need for that relief.

II. LOCATION AND SITE DESCRIPTION

Address	1371-1375 H Street NE.
Legal Description	Square 1027, Lot 848.
Ward	6/ANC 6A
Lot Characteristics	Flat, rectangular lot, measuring 5,040 square feet in area. No alley access.
Zoning	<i>HS-A/C-3-A</i> : The underlying C-3-A district is a mixed-use district, typically along commercial corridors. The Arts sub-district of the H Street overlay is intended to encourage arts and entertainment uses, with some preservation of existing facades constructed prior to 1958. The proposed development is consistent with this zoning category.
Existing Development	The existing development consists of a one-story brick and concrete building, which formerly housed the Salvation Army.
Adjacent Properties	Abutting the subject lot to the west is a one and a half story concrete block building (1365-1369 H St.) and to the east, an existing two-story brick building (1379 H Street). An eight-story building is currently under construction at the rear (south), which would front on Maryland Avenue (at the corner of 14 th Street and Maryland Avenue NE, #1350).
Surrounding Neighborhood Character	The neighborhood is a mix of residential row dwellings and small apartments north and south of the commercial H Street corridor.

III. APPLICATION-IN-BRIEF

Proposal	H Street Legacy LLC (“the Applicant”) proposes to construct a six-story mixed use building with twenty-seven (27) residential units above 2,547 square feet of ground floor retail. There is no alley access or curb cut on the site and parking would not be included. Residential and retail pedestrian access will be provided via entrances on H Street NE. There is no loading requirement for the project.
----------	--

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

HS-A/C-3-A Zone	Regulation	Existing	Proposed	Relief
Lot Width	None prescribed	51 ft.	51 ft.	None required
Lot Area	None prescribed	5,040 sf	5,040 sf	None required
Height § 770 & § 1324.	75 ft. max.	28 ft.	70 ft.(to p/pet)	None required
Floor Area Ratio § 771 & § 1321	1.5 (non-res.) 4.8 (residential w/IZ)	Info. not provided	0.51 (non-res.) 4.07 (res.) 23,080 gsf	None required
Lot Occupancy § 772 & § 2604.2	100 % max. (retail) 70%, 80% max. (w/IZ)	Info. not provided	80% 80%	None required
Rear Yard § 774	15 ft. min.	Not provided	21.5 ft.	None required
Side Yard § 775	None required	None	None Provided	None required
Court § 776	Not less than 12 ft.	None	None	None required
Parking (Res.) § 2101	1 per 2 units = 14	None	0	Relief for 14 spaces
Parking (Retail) §2101	> 3,000 sf, 1 per 750 = 0	None	0	None required
Loading (Res.) §2201	None for less than 50 units	Not req.	Not req.	None required
Loading (Retail) §2201	1 @ 30 ft. deep, Platform: 1 @ 100sf	Info. not provided	None	None required
Bike Parking	1/3 units (residential)= 9 5% req. parking (retail) = 1	None None	30 (res.) 12 (visitors)	None required

Based on submitted plans, the project would satisfy the design requirements of the H Street Overlay (See attached).

OP ANALYSIS

a. Variance Relief from §§ 2101 - Parking

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is an interior lot without alley access and a curb cut along H Street, which would not be permitted. There is a practical difficulty in providing the required residential parking on such a lot, as access to parking is preferred from the rear via an alley system.

ii. **No Substantial Detriment to the Public Good** - The applicant has attempted to mitigate the potential impact to the neighborhood's on-street parking supply with a proposed TDM plan¹. The property's location is well-served by alternative transportation modes, which would be available to both residents and visitors. Less than 3,000 sf of retail gross floor area would be included, so retail parking spaces are not required. Off-site parking arrangements have been proposed by the applicant, including letters of intent to lease spaces from the building currently under construction at 1350 Maryland Avenue, NE, which has excess parking spaces and is within walking distance of the property. The District Department of Transportation (DDOT) reviewed the applicant's transportation analysis and noted to OP that they are supportive of the development and that the applicant's proposed TDM measures would "*adequately address any impacts the site may incur.*"

iii. **No Substantial Harm to the Zoning Regulations** - No substantial harm to the Regulations is anticipated, as this is an interior lot which has never provided on-site parking. The applicant has proposed DDOT- supported TDM measures, in lieu of the provision of on-site parking for the intended uses.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation contacted OP via email on February 20, 2015 and stated no objection to the applicant's request for relief from the parking requirements. DDOT's report will be submitted to the Board under separate cover. Reports from other agencies were not received.

VI. COMMUNITY COMMENTS

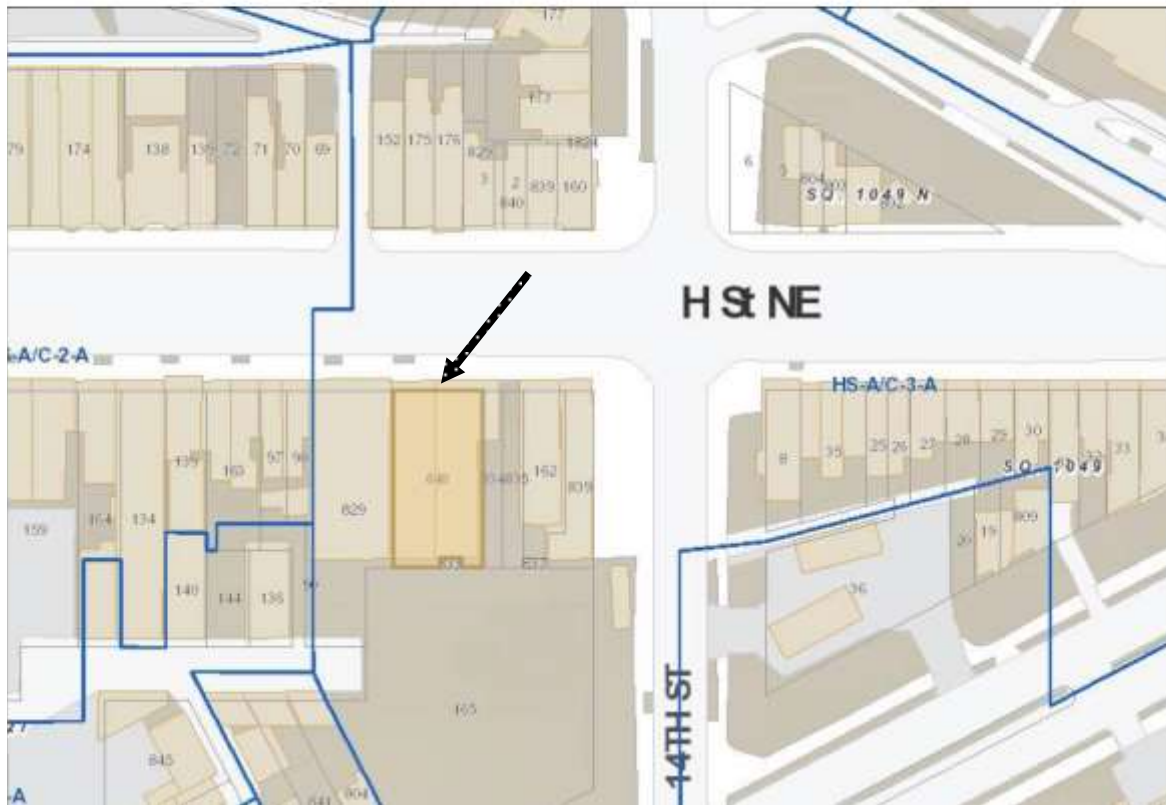
The Advisory Neighborhood Commission 6A voted to support the requested relief at its regularly scheduled monthly meeting on February 12, 2015. The ANC's report will be submitted to the record separately.

Attachment:

1. Location Map
2. TDM Measures proposed by Applicant
3. H Street Design Requirements

¹ Attached to this report

1.



LOCATION AND ZONING MAP

2. TDM Measures

The applicant has committed to the following:

1. Restrict the project from being included as RPP eligible.
2. Provide, as a one-time incentive, each initial purchaser a bicycle helmet (27 helmets).
3. Install a Transit Screen in the lobby to keep residents and visitors informed regarding available transportation choices and provide real-time transportation updates.
4. Offer a one-year Capital Bikeshare and car share membership for the initial condo residents. (*DDOT indicated that additional years of commitment would be appropriate.* DDOT's report will be issued separately.)
5. Provide a convenient-accessible bicycle room on the ground floor for both residential and visitor storage. The bike room will also feature a bike repair station.
6. Post all TDM commitments on-line for a one-year period. The source will also include links to CommuterConnections.com, goDCgo.com, WMATA Metrobus routes, DC Bicycle maps and other useful information in support of car-free urban living.

3. H STREET DESIGN REQUIREMENTS

Section	H Street Design Requirement	Complies	
		Yes	No
1324.2	<p><i>Not less than 75% of the streetwall(s) to a height of not less than 25 ft. shall be constructed to both property lines abutting public streets.</i></p> <p>Plans indicate that one hundred percent (100%) of the street walls to the full building height would continue along 85% of the total frontages of H street and 7th Street NE.</p>	✓	
1324.3	<p><i>Preserving an existing façade constructed before 1958 is permitted to use, for residential uses, an additional 0.5 FAR above the total density permitted in the underlying zone district for residential uses.</i></p> <p>The pre-958 façade of building would not be maintained.</p>	Not proposed	
1324.4	<p><i>In C-2 Districts within the HS Overlay District, 70% residential lot occupancy shall be permitted. 80% permitted with IZ (§ 2604.2).</i></p>	✓	
1324.5	<p><i>% of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.</i></p> <p>Residential uses (other than the residential entry on the ground floor) are first shown on the second floor of the proposed building. There are no setbacks at this level.</p>	✓	
1324.6	<p><i>For the purposes of § 1324.5, "residential uses" includes single-family dwellings, flats, multiple dwellings, rooming and boarding houses, and community-based residential facilities.</i></p> <p>The proposed mixed-use building would have multiple dwellings.</p>	✓	
1324.7	<p><i>Parking structures with frontage on H Street, N.E., Florida Avenue, N.E., Maryland Avenue, N.E., 13th Street, N.E., 14th Street N.E., or 15th Street, N.E. shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space.</i></p>	Not proposed	
1324.8	<p><i>Each commercial use with frontage on H Street, N.E..., shall devote not less than 50% of the surface area of the streetwall(s) at the ground level ...to display windows having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building.</i></p>	✓	
1324.9	<p><i>Security grilles shall have no less than seventy percent (70%) transparency.</i></p>	Not proposed	
1324.10	<p><i>Each commercial use with frontage on H Street, N.E. ..., shall have an individual public entrance directly accessible from the public sidewalk. Multiple-dwellings shall have at least one (1) primary entrance on H Street directly accessible from the sidewalk.</i></p> <p>One residential and two retail entries are shown off H Street.</p>	✓	

Section	H Street Design Requirement	Complies	
		Yes	No
1324.11	<p><i>Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.) on average, for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby.</i></p> <p>The building would be fifty-one (51) feet in width and three (3) entrances are shown.</p>	✓	
1324.12	<p><i>The ground floor level of each new building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.) if the building fronts H Street, N.E</i></p> <p>The floor-to-ceiling height of the ground floor, would be fifteen (15) feet, as shown on the plans (A3.1, dated 02/15)</p>	✓	
1324.13	<p><i>Buildings subject to § 1324.12 shall be permitted an additional 5 ft. of height over that permitted in the underlying zone.</i></p> <p>The underlying C-3-A district permits a maximum height of 65 feet. The applicant has proposed a building height of seventy (70) feet, including five (5) feet permitted by IZ (§ 2604).</p>	✓	
1324.14	<p><i>Projection signs shall have a minimum clearance of 8 ft. above a sidewalk and 14 ft. above a driveway; project no more than 3 ft., 6 in. from the face of the building, and end a minimum of 1 ft. behind the curb line or extension of the curb line.</i></p> <p>The minimum clearance of 8 feet for a canopy, projected no more than 3 feet 6 inches are indicated by the drawings.</p>	✓	
1324.15	<p><i>Façade panel signs shall not ... interrupt windows or doors and shall project no more than 12 in. from the face of the building.</i></p> <p>The façade signs shown would not interrupt windows or doors.</p>	✓	
1324.16	<p><i>Roof signs are prohibited.</i> –Roof signs are not shown.</p>	✓	